

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 1240 of 1995

(6)

Hon'ble Shri R.K. AHOOJA, MEMBER (A)
Hon'ble Shri SYED KHALID IDRIS NAQVI, MEMBER (J)

New Delhi, this the 30th day of August, 1999

Shri Surender Nath
s/o late Shri Dalsinagar Ram
aged 33 years
working as Head Clerk
Personnel Branch
in the office of Divisional Rly. Manager
Northern Railway
Ambala Cantt.
r/o 19, Harmilap Nagar
Behind DRM's Office
Rly. Colony
Ambala Cantt. (Maryana). ... Applicant

(By Shri P.M. Ahlawat, Advocate)

Vs.

1. Union of India through

The General Manager
Northern Railway
Baroda House
New Delhi - 110 001.

2. The C.P.O. & Chief Liason Officer for SC&ST
Northern Railway
Baroda House
NEW DELHI - 110 001.

3. The Divisional Railway Manager
Northern Railway
Ambala Cantt. ... Respondents

(By Shri P.S. Mahendru, Advocate)

O R D E R (Oral)

Hon'ble Shri R.K. Ahooja, Member (A)

The applicant was promoted as Head Clerk in the
pay scale of Rs.1400 - 2300 w.e.f. 2.11.1991. His
grievance is that the respondents have not considered him

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Dr

against the carried forward reserved vacancy available at Sl. No. 17 which according to the Rules, in the event of Scheduled Tribe employee not being available is to be exchanged for Scheduled Caste. The respondents in the reply have stated that all the roaster points reserved for Scheduled Caste have been filled up ~~that after~~ the disciplinary enquiry against Ram Surat Singh being decided in his favour. Nothing however stated by them in regard to the ST Vacancy at Sl. No. 17 from roaster, copy of which is available at Annexure-A5.

2. We find, on perusal of Annexure-A5, that there is a notation that the ST vacancy has been kept for deservation to be sought from the Headquarter's Office. Nothing has been stated in the reply as to whether such a deservation has been obtained. The essential claim of the applicant in regard to this point ^{is} ~~are~~ not ~~not~~ ^{and} against the points reserved for the against Scheduled Caste. The applicant has also filed a representation, Annexure-A4, dated 14.3.1995. It appears that the same has not been considered ~~and~~ ⁱⁿ reply to by the respondents. When the matter came up today, the learned counsel for the applicant also stated that he has received no further instructions from the applicant and it is possible that his case has been now settled by the respondents. Be that as it may, we consider it appropriate to dispose of this OA with a direction to the respondents to consider the representation, Annexure-A4, if the same has already not been examined and decided. This must be done within a period of three months from the date of receipt of a copy of this order ^{and} ~~and~~ ^{beforehand will} inform the results thereof to the applicant with a reasoned and speaking order. If the applicant

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has any grievance subsisting thereafter, he would be ~~applicable~~ ^{at liberty} to approach this Tribunal again in accordance with law. There shall be no order as to costs.

R.K. Ahuja
(R.K. AHOOJA)
MEMBER (A)

Syed Khalid Idris Naqvi
(SYED KHALID IDRIS NAQVI)
MEMBER (J)

/rao/